

Application Serial No.: 10/764,926
Amdt. dated October 18, 2005
Reply to Office Action of July 22, 2005

REMARKS/ARGUMENTS

The Office Action dated July 22, 2005 and the references cited therein have been carefully considered. In response to the Office Action, Applicants have amended Claims 1, 9, 10, 14 and 15 and added new Claims 18 and 19 which, when considered with the remarks set forth below, are deemed to place the case in condition for allowance. As a result of the present Amendment, Claims 1-19 remain in the case for continued prosecution.

In the Office Action, Claims 9, 14 and 15 have been deemed allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter. In response, Applicants have rewritten Claims 9, 14 and 15 in independent form. Accordingly, it is respectfully submitted that Claims 9, 14 and 15 now stand in condition for allowance.

The remaining claims, however, have been rejected based on prior art. In particular, Claims 1, 5-8, 10-13 and 16 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,518,069 to Maier-Laxhuber et al. and Claims 2, 3, 4 and 17 have been rejected as being obvious over the '069 patent in view of U.S. Patent No. 5,664,427 to Rockenfeller et al. and U.S. Patent No. 5,992,168 to Pfister et al. Specifically, the Examiner is of the opinion that the '069 patent discloses the basic inventive concept as claimed. The Examiner has further rejected Claims 1-8 and 10-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-20 of U.S. Patent No. 6,412,295 to Weiss et al.

In response, Applicants have amended independent Claims 1 and 10 to clarify the presence of the cooling container as part of the claimed invention and to further define the arrangement of the sorber container and the evaporator with respect to the cooling container. It is respectfully submitted that none of the cited references, taken alone or combined, describes a sorption apparatus including a cooling container and an evaporator disposed inside the cooling container, as defined in amended Claims 1 and 10.

Specifically, the cited primary '069 patent to Maier-Laxhuber describes a sorption apparatus 20 for heating and cooling an interior compartment (not shown) of an automobile.

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Importantly, the sorption apparatus 20 is separate and apart from the interior compartment of the automobile. More particularly, the evaporator 7 of the disclosed sorption apparatus is not disposed in the interior compartment of the automobile, as defined in amended Claims 1 and 10. Instead, the evaporator 7 is contained in a "thermal insulating hood 10" which in turn communicates with the interior compartment of the automobile via a conduit. (See Figure 1 and column 4, lines 31-37.) Also, the thermal insulating hood 10 disclosed in the '069 patent cannot be considered a cooling container, as defined in amended Claims 1 and 10, because it does not define an inner chamber for containing an item to be cooled by the sorption cooling apparatus, as defined in amended Claims 1 and 10. Accordingly, it is respectfully submitted that independent Claims 1 and 10, as amended, and the claims that depend therefrom, patentably distinguish over the '069 patent to Maier-Laxhuber.

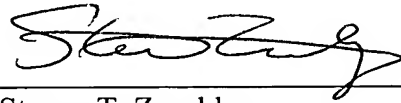
Similarly, none of the remaining cited references, taken alone or combined, teach or suggest a cooling container having an evaporator of a sorption apparatus contained therein. For example, the '295 patent to Weiss et al. discloses a sorption device for heating and cooling gas streams, which is separate from the cooling container. In particular, like the '069 patent discussed above, the evaporator 5 disclosed in the '295 patent is not contained in the same container as the item to be cooled by the sorption cooling apparatus. Instead, like the '069 patent, a stream of air is passed over the evaporator 5 disclosed in the '295 patent and then delivered to a separate cooling container via a conduit. Additionally, the housing 9 for containing the disclosed evaporator 5 does not define an inner chamber for containing an item to be cooled by the sorption cooling apparatus, as defined in amended Claims 1 and 10. Accordingly, it is respectfully submitted that the amendment to Claims 1 and 10 further overcomes the double patenting rejection based on the claims of the '295 patent to Weiss et al.

Applicants have further added new Claims 18 and 19, which define a cooling container having a door for accessing the inner chamber of the cooling container. It is respectfully submitted that none of the cited references, taken alone or combined, describes a cooling container having an evaporator disposed therein and further including a door for accessing the inner chamber thereof, as defined in new Claims 18 and 19.

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In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 1-19 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,



Steven T. Zuschlag
Registration No.: 43,309
Attorney for Applicant

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
STZ/mf
211487_1